

Appl. No. 09/929,030
Amdt. dated August 5, 2003
Reply to Office Action of May 6, 2003

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this amendment, claims 1-16 will be pending.

Applicants appreciate the Examiner's indication that dependent claims 3 and 10 include allowable subject matter. Accordingly, these claims are written in independent form as new claims 15 and 16, respectively.

Claims 1, 2, 4, 8, 9 and 11 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,442,398 to Padovani et al. In addition, dependent claims 5 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Padovani patent in view of U.S. Patent No. 5,872,773 to Katzela et al., and dependent claims 6, 7, 13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Padovani patent in further view of U.S. Patent No. 6,373,430 Beason et al. These rejections are respectfully traversed.

In particular, as discussed in more detail below, Applicants respectfully submit that none of the cited patents teach or suggest a *mobile* access point that is adapted to transmit and receive communications signals to provide a wireless user terminal with access to a network. That is, Applicants respectfully submit that the alleged "mobile" access points taught by the cited patents are merely "deployable" base stations that are moved from location to location, but are not truly "mobile" access points that are capable of transmitting and receiving signals, and providing access to a network, *while they are moving*. In other words, independent claims 1 and 8, and their dependent claims, define a mobile access point that transmits and receives communications signal and provide access to the network *while the access point is itself moving*. This feature is clearly described throughout the specification as emphasized, for

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example, in the discussion of Doppler shift minimization as set forth on page 14. Hence, for clarification purposes, independent claim 1 and 8 are being amended as indicated above. Also, minor editorial amendments are being made to claim 10.

The rejections will now be discussed individually in detail.

The 35 U.S.C. § 102(e) Rejection Based on the Padovani Patent

In this rejection, the Examiner contends that the Padovani patent teaches a method and apparatus for providing a mobile access point. In particular, the Examiner refers to the base station 40 shown in Fig. 2 and described in column 9, lines 25-29. The Examiner contends that this base station 40, which can be moved from location to location, meets the criteria of the “mobile access point” as recited in independent claims 1 and 8. Applicants respectfully disagree.

In particular, Applicants note that column 9, lines 27-29 of the Padovani patent merely describe a “portable” base station. Applicants respectfully submit that this “portable” base station is what is commonly referred to in the industry as “cellsite on wheels” or “COW”. In other words, this type of cell site can be affixed to a truck and moved to certain locations to provide the desired cell density at that location which may only be needed temporarily, for example, during a convention or large sporting event. However, nowhere does the Padovani patent teach or suggest that these base stations are operating while they are moving, or, in other words, act as “mobile access points” to provide communication links and access to a network while they themselves are mobile. In other words, the type of base stations taught by the

Padovani patent are movable or deployable when in a non-operational state, but remain stationary once they have been deployed to their respective desired locations and become operational. Although Applicants respectfully disagree with the Examiner's interpretation of the term "mobile access point" in claims 1 and 8 as being met by a *portable* base station as taught in the Padovani patent, for clarification purposes, independent claims 1 and 8 are being amended to indicate that the mobile access point is capable of operating while it is moving.

Concerning dependent claims 2, 4, 9 and 11, Applicants respectfully submit that these claims should be allowable due to their dependency on claims 1 and 8. However, Applicants respectfully submit that these claims also further define allowable features of the invention. For example, claims 2 and 9 define the capability of the present invention to supply substantially constant power to the transceiver of the mobile access point. For this feature, the Examiner refers to amplifiers 64 and 80 as shown in Figure 3 of the Padovani patent. However, Applicants note that as described in column 9, line 49 through column 10, line 16, amplifier 64 amplifies the signal received at antenna 60, and amplifier 80 amplifies the signal being transmitted from antenna 82. Applicants respectfully submit that these amplifiers have no relation to a power supply for supplying substantially constant power to the transceiver. Concerning dependent claims 4 and 11, Applicants note that these claims relate to providing a second communication link between the user terminal and another user terminal. For this feature, the Examiner refers to demodulators 70A-70N shown in Figure 3 and described in column 9, lines 49-50 of the Padovani patent. Applicants respectfully submit, however, that the demodulators 70A-70N are not part of a mobile access point as described above and as recited in independent claims 1 and 8.

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For all these reasons, Applicants respectfully submit that independent claims 1 and 8, and all of their dependent claims, are allowable over the Padovani patent.

The 35 U.S.C. § 103 Rejection Based on the Padovani and Katzela Patents

In this rejection, the Examiner admits the Padovani patent is silent with regard to the second communications link between the transceiver and another mobile access point as recited in dependent claims 5 and 12. However, for this feature the Examiner relies on the teachings of the Katzela patent and contends that one skilled in the art would have found it obvious to modify the system taught by the Padovani patent in view of these teachings to achieve the invention as recited in these claims. Applicants respectfully disagree.

In particular, Applicants submit that as with the Padovani patent, the Katzela patent merely teaches the system that includes *portable* base stations which are deployable to desired locations, but which themselves do not operate to provide communication links and access to the network *while they are moving*. Applicants respectfully submit that the teachings of the Katzela patent therefore do not make up for the deficiencies in the teachings of the Padovani patent as discussed above.

Hence, even if one skilled in the art were to modify the Padovani system in accordance with the teachings of the Katzela patent, such a modification would not even achieve the embodiments of the invention as recited even in independent claims 1 and 8. Accordingly, independent claims 1 and 8, and all the dependent claims, should be allowable over the Padovani and Katzela patents.

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The 35 U.S.C. § 103 Rejection Based on the Padovani and Beason Patents

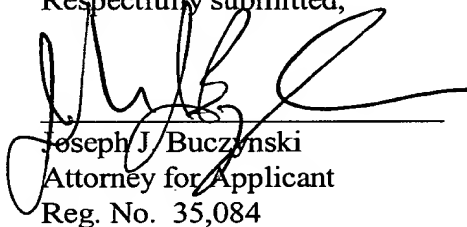
In this rejection, the Examiner admits that the Padovani patent fails to teach or suggest the location determining features as recited in dependent claims 6, 7, 13 and 14. However, for this feature, the Examiner relies on the teachings relating to the portable GPS/radio unit set forth in the Beason patent, and contends that one skilled in the art would have found it obvious to modify the base station in the Padovani system to include the GPS features.

Applicants respectfully submit, however, that nowhere does the Beason patent teach or suggest a mobile access terminal that is capable of operating while it is itself moving, and thus can provide access to a network while maintaining its mobility, as opposed to portable base stations which are merely deployed to fixed locations and then activated. Furthermore, nowhere does the Padovani or Beason patents teach or suggest the need for GPS functionality in the portable base stations. Accordingly, Applicants submits that one skilled in the art would not have been motivated to modify the base stations taught by Padovani patent to include GPS functionality which, as taught in the Beason patent, is employed in portable hand-held radio unit, not larger base stations or access points. However, even if such motivation did exist, the teachings of the Beason patent fail to make up for the deficiencies in the teaching of the Padovani patent with regard to the mobile access points as discussed above. Hence, Applicants submit that independent claims 1 and 8, and all dependent claims, should be allowable over the Padovani and Beason patents.

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In view of the above, it is believed that the subject application is in condition for allowance, and notice to that effect is respectfully requested. However, should the Examiner have any questions, he is invited to contact the undersigned at the number indicated below.

Respectfully submitted,



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